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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,583	11/09/2001	Steven Paul Wiese	60,365-005	4841
22204	7590	03/20/2008	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	
			MAIL DATE	DELIVERY MODE
			03/20/2008	PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/044583
Filing Date: November 9, 2001
Appellant(s): WEISE, STEVEN PAUL

John E. Carlson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/13/07 appealing from the Office action mailed 08/28/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,559,707	DeLorme et al	06-1996
5,731,997	Manson et al	03-1998
5,794,216	Brown	08-1998
6,748,318	Jones	06-2004
6,219,053	Tachibana et al	04-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2, 4-7, 13-15, 19, 21-23, 35-36, 37-38 are rejected under 35

U.S.C. 103(a) as being unpatentable over Brown ("Brown", USP 5794216) and Manson et al ("Manson", USP 5731997) and Jones (USP 6748318).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, Jones, and DeLorme et al ("DeLorme", USP 5559707).

Claims 8-10, 24-25, 27-30, 32-34, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, Jones, and Tachibana et al ("Tachibana", USP 6219053).

Claims 41-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, and Tachibana et al ("Tachibana", USP 6219053).

The detailed rejections are as follows:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-7, 13-15, 19, 21-23, 35-36, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown ("Brown", USP 5794216) and Manson et al ("Manson", USP 5731997) and Jones (USP 6748318).

Regarding claims 1-2 and 19, Brown teaches a method of displaying on a computer information regarding values associated with a plurality of geographic locations including the steps of receiving a request for information regarding a first geographic area including the plurality of geographic locations (Fig. 12) (col 7, lines 42-49), receiving a plurality of values each associated with one of the plurality of geographic locations wherein said plurality of values are price values (Fig. 13) and displaying a map of the first geographic area in response to said request for information

(region 204) (fig. 13) (col. 7, lines 42-49). Brown does not teach the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information. However, such feature is known in the art as taught by Manson. Specifically, Manson teaches a method for displaying data pertaining to an artifact which comprises the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently. Brown and Manson do not teach geographic locations are street address. However, the feature of a geographic area includes a plurality of street addresses is known in the art as taught by Jones. Jones' system displays a map which includes street address (col 25, lines 40-47) (Fig. 38). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Jones before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include

displaying street addresses on the map taught by Jones with the motivation being to provide users with a detailed map.

Regarding claims 4 and 21, Brown, Manson, and Jones do not teach that the values are rental values. However, the Examiner takes Official Notice that using rental values as queries is well known in real estate search. It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Jones before him at the time the invention was made, to modify the interface method taught by Brown, Manson, and Jones to include the well known searching on rental values with the motivation being enable the user to search for the user to search on different categories.

Regarding claims 5 and 22, Brown teaches the displaying a list of a plurality of geographic area (Fig. 14).

Regarding claims 6, 7, and 23, Manson teaches that the plurality of symbols include different shapes / different colors (Manson, Fig. 4).

Regarding claim 13, Manson teaches displaying a legend indicating the values associated with each of the plurality of symbols (Fig. 17).

Regarding claim 14, Brown teaches displaying an advertisement (Fig. 14).

Regarding claim 15, Brown teaches receiving a request for additional information for a selected one of the plurality of geographic locations (block 216) and displaying the additional information (Fig. 15).

Regarding claims 35 and 37, Manson teaches each of the plurality of symbols is different in appearance (see different Feature layers in Fig. 7).

Regarding claims 36 and 38, Manson teaches assigning each of the plurality of symbols to more than one of the plurality of geographic locations based upon the associated values (see point features 34 in Fig. 2).

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, Jones, and DeLorme et al ("DeLorme", USP 5559707).

Regarding claim 18, Brown, Manson, and Jones do not teach associating each of the plurality of values with a latitude and longitude. However, such feature is known in the art as taught by DeLorme. DeLorme teaches a computer aided routing system which comprises associating a value with a latitude and longitude (col 42, lines 30-33). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, Jones, and DeLorme before him at the time the invention was made, to modify the interface method taught by Brown, Manson, and Jones to include the associating value with a latitude and longitude taught by DeLorme since the combination can provide the home searchers in Brown's system with more geographic information of the interested homes on the specified geographic area.

4. Claims 8-10, 24-25, 27-30, 32-34, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, Jones, and Tachibana et al ("Tachibana", USP 6219053).

Regarding claim 8, Brown does not teach the associating each of a plurality of symbols having visually identifying characteristic with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic

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locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information. However, such feature is known in the art as taught by Manson. Specifically, Manson teaches a method for displaying data pertaining to an artifact which comprises the associating each of a plurality of symbols visually identifying characteristic with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently. Brown and Manson do not teach the symbols having first visually identifying characteristic indicating range and second visually identifying characteristic indicating subrange. However, such feature is known in the art as taught by Tachibana. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols having first visually identifying characteristic (shapes (square, triangle, circle)) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before

him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different symbols having first visually identifying characteristic (shape) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) with the motivation being enable the user to the user to easily and quickly acknowledge the ranges and subranges by looking at the shapes and colors.

Regarding claim 9, Tachibana teaches each symbol has an associated color and shape (col 17, lines 62-67). Manson teaches that the plurality of symbols each include a different shape or a different color (Fig. 4).

Regarding claim 10, Brown, Manson, and Tachibana do not teach a magnitude of the ranges varies among the plurality of symbols. However, it would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to have magnitude of the plurality of subranges varies among the symbols with the motivation being to enable the user to easily and quickly acknowledge the dimension of the subranges by looking at the symbols.

Regarding claims 24 and 27, Brown, Manson, and Jones do not teach associating each of a plurality of colors with one of a plurality of ranges of values. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). Tachibana further teaches setting shape and color of icon indicating a node for each range (each hierarchical level) (line 63 of col 14 to line 2 of col 15). It would have been

obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, Jones, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown, Manson, and Jones to include associating different colors with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the colors.

Regarding claim 32, Brown, Manson, and Jones do not teach associating each of a plurality of shapes with one of a plurality of ranges of values. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). Tachibana further teaches setting shape and color of icon indicating a node for each range (each hierarchical level) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different shapes with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the shapes.

Regarding claim 33, Mason teaches displaying a legend indicating the values associated with each of the plurality of symbols (Fig. 17).

Regarding claims 25 and 28-30, Brown teaches a method of displaying on a computer information regarding values associated with a plurality of geographic locations including the steps of receiving a request for information regarding a first geographic area including the plurality of geographic locations (col 7, lines 48-65),

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receiving a plurality of values each associated with one of the plurality of geographic locations wherein said plurality of values are price values(Fig. 13) and displaying a map of the first geographic area in response to said request for information (region 204).

Brown does not teach the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information.

However, such feature is known in the art as taught by Manson. Specifically, Mason teaches a method for displaying data pertaining to an artifact which comprises the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently.

Brown and Mason do not teach geographic locations are street address.

However, the feature of a geographic area includes a plurality of street addresses is known in the art as taught by Jones. Jones' system displays a map which includes

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street address (col 25, lines 40-47) (Fig. 38). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Jones before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include displaying street addresses on the map taught by Jones with the motivation being to provide users with a detailed map.

Brown does not teach the associating each of a plurality of symbols having visually identifying characteristic with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information. However, such feature is known in the art as taught by Manson. Specifically, Mason teaches a method for displaying data pertaining to an artifact which comprises the associating each of a plurality of symbols visually identifying characteristic with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently. Brown and Manson do not teach the

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symbols having first visually identifying characteristic indicating range and second visually identifying characteristic indicating subrange. However, such feature is known in the art as taught by Tachibana. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols having first visually identifying characteristic (shapes (square, triangle, circle)) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different symbols having first visually identifying characteristic (shape) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) with the motivation being enable the user to the user to easily and quickly acknowledge the ranges and subranges by looking at the shapes and colors.

Regarding claim 34, Jones teaches displaying street addresses (Fig. 38).

Regarding claim 39, Manson teaches each of the plurality of symbols is different in appearance (see different Feature layers in Fig. 7).

Regarding claim 40, Manson teaches assigning each of the plurality of symbols to more than one of the plurality of geographic locations based upon the associated values (see point features 34 in Fig. 2).

5. Claims 41-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, and Tachibana et al ("Tachibana", USP 6219053).

Regarding claims 41 and 45, Brown teaches a method of displaying on a computer information regarding values associated with a plurality of geographic locations including the steps of receiving a request for information regarding a first geographic area including the plurality of geographic locations (col 7, lines 48-65), receiving a plurality of values each associated with one of the plurality of geographic locations (Fig. 13) and displaying a map of the first geographic area in response to said request for information (region 204). Brown does not teach the associating each of a plurality of symbols having visually identifying characteristic with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information. However, such feature is known in the art as taught by Manson. Specifically, Mason teaches a method for displaying data pertaining to an artifact which comprises the associating each of a plurality of symbols visually identifying characteristic with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a

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plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently.

Brown and Manson do not teach the symbols having first visually identifying characteristic indicating range and second visually identifying characteristic indicating subrange. However, such feature is known in the art as taught by Tachibana. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols having first visually identifying characteristic (shapes (square, triangle, circle)) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different symbols having first visually identifying characteristic (shape) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) with the motivation being enable the user to the user to easily and quickly acknowledge the ranges and subranges by looking at the shapes and colors.

Regarding claims 42 and 46, Tachibana teaches one of the first visually identifying characteristics and the second visually identifying characteristic is shape (square, triangle, circle).

Regarding claims 43-44 and 47-48, Tachibana teaches the other of the first visually identifying characteristic and the second visually identifying characteristic is color (line 63 of col 14 to line 2 of col 15).

Regarding claims 49-50, Brown, Manson, and Tachibana do not teach a magnitude of the subranges varies among the plurality of symbols. However, it would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to have magnitude of the plurality of subranges varies among the symbols with the motivation being to enable the user to easily and quickly acknowledge the dimension of the subranges by looking at the symbols.

Allowable Subject Matter

6. Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (please see Office Action mailed 07/06/04 for reasons for the indication of allowable subject matter).

(10) Response to Argument

I. Claims 1-2, 4-7, 13-15, 19, 21-23, 35-36, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown ("Brown", USP 5794216) and Manson et al ("Manson", USP 5731997) and Jones (USP 6748318).

Independent claims 1 and 19

Applicant argues “Brown teaches displaying the mapnot in response to requesting information.....Brown does not teach “displaying a map of the first geographic area in response to said request for information”. The Examiner respectfully disagrees.

Claim 1 recites

a) receiving a request for information regarding a first geographic area....
d) displaying a map of the first geographic area in response to said step a) on a display

Brown teaches, the map 204 (Fig. 13) is displayed in response to user's selection of begin-new-search icon 200 (Fig. 12) (col. 7, lines 42-49). Therefore, it is clear that Brown teaches displaying the map in response to requesting information.

Applicant argues “There is no motivation to add a map (such as from Manson) to the output of Brown...”, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, since both teachings of Brown and Manson are on the same field of using user interface for displaying geographic location, it would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating

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each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to easily and efficiently read the search result.

Claims 6, 7, and 23

Applicant argues "Manson teaches that, "It is useful to display features the same icons and colors." In other words, for example, trees will always be green, ponds will always be blue, etc. Therefore, even if there were some motivation to do so, if this were applied to the Brown software, the houses would all be the same color and the same shape (icon). " The Examiner respectfully disagrees. Even if trees are always green, and ponds are always blue, green is a different color from blue (different colors), and the shape representing a tree is different from the shape representing a pond (different shapes) (see Fig. 2 and Fig. 4).

Claim 14

Applicant argues "Even if the logos shown in Figures 12-14 were considered ads, Brown displays the same ones no matter what geographic request is made, not "based upon" the geographic request."

The Examiner respectfully disagrees. The claim recites "displaying an advertisement" but is silent with respect to the characteristics of the advertisements and does not specify whether the advertisements are the same or different from each request.

II. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, Jones, and DeLorme et al ("DeLorme", USP 5559707).

Claims 18

Applicant argues "There is no need (and no reason) to associate the homes in Brown with latitude and longitude, as claimed. The Examiner respectfully disagrees. Since Brown teaching is directed to displaying interested houses on a specified geographic error and Delorme teaching is directed to displaying points of interest (hotels, motels, inns, etc.), the combination is reasonable since it can provide the home searchers in Brown's system with more geographic information of the interested homes on the specified geographic area.

III. Claims 8-10, 24-25, 27-30, 32-34, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, Jones, and Tachibana et al ("Tachibana", USP 6219053).

Claims 8, 10, 24- 25, and 27- 28

Applicant argues "Brown has no mention of "ranges" and "subranges" " it is noted that this argument attacks the references individually since Tachibana is combined with Brown for the rejection of this limitation.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues “Tachiban also does not disclose associating different ranges of valuesthere is no “range of values”, it is noted that each level in Tachiban can be reasonably interpreted as a range of values. Furthermore, Tachibana teaches associating different symbols having first visually identifying characteristic (shapes (square, triangle, circle)) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67) (line 63 of col 14 to line 2 of col 15).

IV. Claims 41-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, and Tachibana et al (“Tachibana”, USP 6219053).

Claims 41- 50

Applicant argues “For the same reasons that Brown, Manson, Jones and Tachibana did not render other claims obvious, as argued in Section III, above, claims 41 and 45 are not obvious over Brown, Manson and Tachinaba. Rather than repeat those arguments, that Section is incorporated by reference here”, the Examiner respectfully disagrees with the reasons specified in Section III above.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kieu D Vu/
Primary Examiner, Art Unit 2173

Conferee:

Dennis Chow, SPE

/Dennis-Doon Chow/

Supervisory Patent Examiner, Art Unit 4126

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179